

REMARKS

Claims 1-3, 8-9 and 13-14 are currently pending in the present application, with claims 13-14 standing withdrawn pursuant to a prior Election/Restriction Requirement.

Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by European patent document No. 1,099,811 A1 to Agostini.

The drawings are objected to as failing to show the door lock recited in claim 1, and the transverse axis recited in claim 2.

Claims 2, 3, 8 and 9 stand rejected under 35 U.S.C. § 112, second paragraph, as indefinite based on concerns regarding the transverse axis allegedly not shown in the figures and a related angle.

The Applicants wish to express their gratitude for the indication that claims 2-3 and 8-9 contain recite patentable subject matter, and that claim 2 would be allowable if rewritten to overcome the § 112 rejection and to incorporate the limitations of claim 1. For the reasons set forth below, the Applicants believe claim 1 is allowable in its current form, and therefore respectfully decline the invitation to amend claim 2 into independent form at this time.

Based on the following remarks, the Applicants respectfully request reconsideration of the pending objections and rejections and allowance of claims 1-3 and 8-9.

Response to the Objection to the Drawings: The Applicants respectfully request the pending drawing objection regarding the “transverse axis” be reconsidered and withdrawn on the grounds that this axis is already illustrated in the figures and adequately described in the specification and in the prosecution record of this case.

Figs. 1-3 of the present invention provide two views of the same door handle configuration, with Fig. 1 showing a cross-section view along a longitudinal axis of the door (*e.g.*, looking toward the rear of the vehicle), while Figs. 2 and 3 show the same door handle looking in the opposite direction (*e.g.*, if Fig. 1 is looking toward the rear, then Figs. 2 -3 are looking toward the front of the vehicle). *See, e.g.*, Application at ¶¶ [0017]-[0019] and [0020]-[0021].

The Applicants note that in response to the Office Action mailed May 30, 2003, the claims were amended for clarity to replace the term “horizontal axis” (a term that could be interpreted as an axis parallel to the ground but pointing in any direction) with the more descriptive term “transverse axis,” consistent with the direction of the axis discussed in the original specification and shown in the figures, “horizontal axis 18.” *See* Application ¶ [0021]; Figs. 2 and 3. The Applicants respectfully submit that, in the context of the disclosure of the original specification and the figures, as well as the prosecution record of this case, there can be no confusion that the recited “transverse axis” is the illustrated axis 18. Reconsideration and withdrawal of this drawing objection is respectfully requested.

As to the objection for failing to illustrate a door lock along with the door handle, the Applicants respectfully submit that illustration of a door lock is neither required nor necessary. As a threshold matter, a door lock is not claimed in the pending claims. Rather, the claims recite a door *handle*, and then state that the door handle is used “*for opening a door lock and the door.*” Further, one of ordinary skill in the art with knowledge of the countless door handle-to-door lock arrangements known in the art (such as pull/push rods extending between a handle and a lever on a lock mechanism) would immediately understand and be able to implement the present invention without undue experimentation, without illustration of a door lock.

Because the illustration of a door lock is not essential for the understanding of the present invention’s door handle arrangements, the Applicants respectfully request the drawing objection regarding door locks be reconsidered and withdrawn.

Response to the § 112, Second Paragraph Rejection: The Applicants respectfully request the pending § 112, second paragraph rejection of claim 2 and its dependent claims be reconsidered and withdrawn. As discussed above, the specification, drawings and prosecution record of this case leave no possibility of doubt that the recited “transverse axis” refers to axis 18 shown in the figures.

With regard to the angle “ α ” issue, the Applicants are submitting herewith proposed red-ink changes to Figs. 2 and 3 to correct the inadvertent mislabeling of the angle between axes 17 and 18 from “ α ” to “ β .” This change is consistent with the specification’s description of this angle, so no new matter will be

entered. *See* Application at ¶[0021] (page 9, line 1). The Applicants submit that with these drawing corrections, in the context of the specification and figures axis 18 cannot be interpreted as a longitudinal axis.

Reconsideration and withdrawal of the pending § 112, second paragraph rejection is respectfully requested.

Response to the § 102(b) Rejection: The Applicants respectfully traverse the rejection of claim 1 as anticipated by Agostini on the grounds that this reference is not prior art to the present Application under § 102(b).

Section 102(b) refers to inventions “patented or described in a printed publication in this or a foreign country ... more than one year prior to the date of the application for patent in the United States.” The present Application was filed in the United States on November 13, 2001. The Agostini reference, which was filed in the European Patent Office on November 11, 2000 (*see* EP 1 099 811 A1 at ¶ (22)), was not *published* by the EPO until May 16, 2001 (*see id.* at ¶ (43)), less than a year prior to the U.S. filing of the present Application. Agostini therefore is not effective as a reference against the present Application.¹

In view of the foregoing, the Applicants respectfully request the pending final rejection of claim 1 as anticipated by Agostini be withdrawn.

¹ The Applicants note that the present Application claims priority to a German application filed on November 11, 2000, thereby establishing an invention date at least this early. Accordingly, Agostini’s May 16, 2001 publication date also does not anticipate the present invention under § 102(a).

CONCLUSION

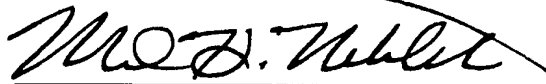
The Applicants respectfully submit that claims 1-3 and 8-9 are presently in allowable form. Accordingly, reconsideration and withdrawal of the pending objections and rejections, and issuance of a Notice of Allowance for these claims is respectfully requested.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #225/50556US).

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Respectfully submitted,



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